

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RASHAAD D. GUERRERO,

Plaintiff,

-against-

FJC SECURITY SERVICES INC., and LOCAL
32 BJ SEIU,

Defendants.
-----X

: 12 Civ. 5763 (SHS)
: 13 Civ. 1204 (SHS)

: ORDER

SIDNEY H. STEIN, U.S. District Judge.

On August 19, 2013, Magistrate Judge Ronald L. Ellis issued a Report and Recommendation recommending that (1) FJC Security Services Inc.'s motion to confirm the arbitrator's award and motion to dismiss the amended complaint for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) be granted; (2) Local 32 BJ SEIU's motion to dismiss the first amended complaint and in opposition to motion for leave to file a second amended complaint be granted; (3) Guerrero's request to vacate the arbitration award be denied; and (4) Local 32 BJ SEIU's motion to dismiss plaintiff's complaint in 13 Civ. 1204 be granted. Objections to the Report and Recommendation were due on September 6, 2013. To date, no objections have been received by this Court. After a *de novo* review of the Report and Recommendation dated August 19, 2013,

IT IS HEREBY ORDERED that:

1. Magistrate Judge Ellis's Report & Recommendation is adopted;
2. FJC Security's motion to confirm the arbitrator's award and motion to dismiss the amended complaint in this action are granted;

3. Local 32 BJ SEIU's motion to dismiss the first amended complaint in 12 Civ. 5763 is granted;

4. Guerrero's request to vacate the arbitration award in 12 Civ. 5763 is denied;

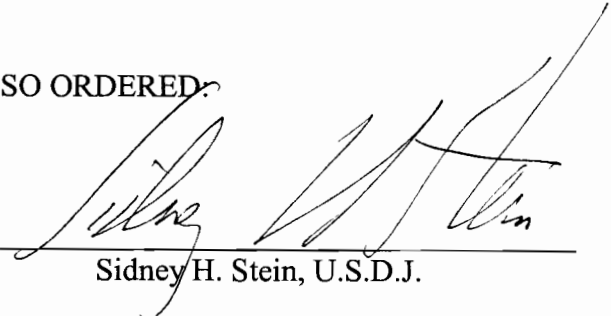
5. Local 32 BJ SEIU's motion to dismiss the complaint in 13 Civ. 1204 is granted; and

6. The complaints in 12 Civ. 5763 and 13 Civ. 1204 are dismissed with prejudice.

The Clerk of Court is directed to close these actions.

Dated: New York, New York
September 18, 2013

SO ORDERED:



Sidney H. Stein, U.S.D.J.